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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/370,152	08/09/1999	SHOJI SUZUKI	381NP/48110	7664

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EXAMINER

CHOUDHARY, ANITA

ART UNIT	PAPER NUMBER
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2153

DATE MAILED: 01/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/370,152

Applicant(s)

SUZUKI, SHOJI

Examiner

Anita Choudhary

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3 6) ☐ Other:

## **DETAILED ACTION**

### ***Election/Restrictions***

Claims 23-45 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim.

Election was made **without** traverse in Paper No. 6.

Claims 1-22 are pending.

### ***Priority***

Claim priority to JP 10-224027, JP 10-265950, and JP 11-55556 has been made in this application. The effective filing date for the subject matter defined in the pending claims in the application is August 7, 1998.

### ***Specification***

The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

### ***Information Disclosure Statement***

The information disclosure statement filed August 9, 1999 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because no English translation has been supplied for JP 6-332807. It has been placed in the application file, but the information referred

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to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609 ¶ C(1).

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 3, 10, and 21, use the term “composing” in lines 4, 6, 6, and 3, respectively. It is unclear from the specification what a “software module composing an application program” means. Clarification is requested.

Claims 1, 3, 10, 21 and 22 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, 3, 10, 21 and 22 recites the limitation "said application program modules" in line 6, 8, 11, 8, and 4, respectively. There is insufficient antecedent basis for this limitation in the claim.

Claim 22 recites the limitation "said module starting control means" in line 5. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Komuro (US 6,195,678).

In referring to claim 1, 3, Komuro shows a system for maintaining resources in a distributed computing system, which downloads resources that suitable for an application requested by a user (see Abstract). Komuro shows:

- Control unit (server computer, terminal computer A1-A3, T1, T2) comprising a module configuration information storing portion (fig. 2, I11, C11) for storing stating procedure of at least one application program (col. 4 lines 1-10, 22-30, col. 7 lines 22-25).
- A module starting control portion (download controller, J12, J13) for executing application program modules (application downloads) referring to the module configuration information storing portion (col. 7 lines 25-49).

In referring to claim 2, 4, 13 and 20, Komuro shows module configuration information storing portion (I11) stores an application program module being executed now and an application program module to be executed next (resource address information indicating a resource file) by relating the modules with each other (col. 4 lines 52- col. 5 lines 3).

In referring to claim 5, Komuro shows control unit communication with network comprising: a message object configuration information storing means (C11, B11, resource linkage directory) for storing a starting procedure (resource address information) of at least one message object (resource, F11, F12) (col. 6 lines 60- col. 7 lines 8).

A real-time communication processing control means (download agent E11, E11a) for executing said message object (resource download) by referring to said message object configuration information storing means (C11) (col. 7 lines 9-20).

In referring to claim 6, 14, and 15, Komuro shows a system real-time communications processing control means is a software module (download agent E11) executed by a task (col. 7 lines 9-21).

In referring to claim 7 and 17, Komuro shows a message object configuration information sorting means (C11) comprises a communication processing priority indicating a priority to execute the processing based on the priority (fig. 10 S36- S43, col. 8 lines 30-54).

In referring to claim 8 and 18, Komuro shows message object configuration information storing means (C11) comprises information indicating any one of in-unit (K11) and inter-unit communication; and said communication processing priority in regard to the inter-unit communication (communication with A11 resource storage D11) (col. 8 lines 55-66).

In referring to claim 9 and 19, Komuro shows message object configuration information storing means comprising kinds of communication services (col. 6 lines 60-66).

In referring to claim 10 and 21, Komuro shows,

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- Control unit (server computer, terminal computer A1-A3, T1, T2) comprising a module configuration information storing portion (fig. 2, I11, C11) for storing starting procedure of at least one application program (col. 4 lines 1-10, 22-30, col. 7 lines 22-25).
- An object configuration information storing means (C11, B11, resource linkage directory) for storing a starting procedure (resource address information) of at least one message object (resource, F11, F12) (col. 6 lines 60- col. 7 lines 8).
- A module start control means (download controller, J12, J13) for executing application program modules (application downloads) referring to the module configuration information storing portion (col. 7 lines 25-49).
- A real-time communication processing control means (download agent E11, E11a) for executing said message object (resource download) by referring to said message object configuration information storing means (C11) (col. 7 lines 9-20).

In referring to claim 11, 12, and 16, Komuro shows start control means (J13) and real-time communication processing control (E1, E11) are tasks and OS function (col. 5 lines 9-14, col. 4 lines 22-30).

In referring to claim 22, Komuro shows distributed code generating tool (A1, A2), which receives system configurations information and outputs a program code (resource address) composed of information to be stored in application program module configuration information storing means (K11) and module starting control means (J12, J13) (col. 7 lines 34-49).


*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anita Choudhary whose telephone number is (703) 305-5268. The examiner can normally be reached on 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (703) 305-4792. The fax phone number for the organization where this application or proceeding is assigned is (703) 746-7239.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

AC  
January 9, 2004

  
GLENTON B. BURGESS  
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